

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELEN MEDER, et al.,
Plaintiffs,

v.

CITY AND COUNTY OF SAN
FRANCISCO, HUMAN SERVICE
AGENCY,

Defendant.

Case No. [20-cv-01200-WHO](#)

**ORDER ADOPTING REPORT AND
RECOMMENDATION; DISMISSING
CASE WITH PREJUDICE**

Re: Dkt. Nos. 5, 8

Plaintiffs Elen and Walter Meder filed this case, along with an application to proceed *in forma pauperis*, on February 18, 2020. In their complaint, the Meders challenge the decision of the Human Services Agency (HSA) of the City and County San Francisco (CCSF) to deny their application for County Adult Assistance Programs (CAAP). Dkt. No. 1.

This case was originally assigned to Magistrate Judge Kandis A. Westmore. On March 6, 2020, Judge Westmore issued a Report and Recommendation granting the Meders' IFP application but dismissing their complaint with prejudice for lack of jurisdiction. Dkt. No. 5. After thoroughly reviewing the complaint, its attachments, and the caselaw, Judge Westmore determined that plaintiffs' complaint was barred by the *Rooker-Feldman* doctrine because the relief plaintiffs seek – an award of CAAP benefits as “permanent residents” under 20 C.F.R. § 416.1618 – was denied by HSA and appealed by plaintiffs to the Superior Court and that decision was ultimately affirmed by the California Court of Appeal. Dkt. No. 5 at 2-3. Judge Westmore also concluded that even if not barred by *Rooker-Feldman*, there is no subject matter jurisdiction because no claim was asserted under Federal law. *Id.* at 3-4.

1 The Meders filed a motion for *de novo* review, objecting to Judge Westmore's Report and
2 Recommendation, on March 23, 2020. Dkt. No. 8. In their motion, the Meders argue that their
3 complaint is not barred by the *Rooker-Feldman* doctrine and that subject matter jurisdiction exists
4 because they should be considered "permanent residents" for purposes of CAAP under a federal
5 regulation, 20 C.F.R. § 416.1618. *Id.*

6 Having reviewed the legal conclusions in Judge Westmore's Report and Recommendation
7 *de novo*, and having considered the Meders' objections to it, I adopt the Report and
8 Recommendation in every respect. The Meders' complaint is barred by the *Rooker-Feldman*
9 doctrine as it seeks to challenge (and reverse the outcome) of the HSA determination that the
10 Meders challenged in Superior Court and that was affirmed by the California Court of Appeal.
11 There is also no independent federal question jurisdiction. Although the Meyers' claim they are
12 permanent residents as defined by a federal regulation, they assert no violation of a federal statute
13 in the denial of their claim for benefits by CCSF.

14 The complaint is DISMISSED WITH PREJUDICE. The Meders' requests for permission
15 for electronic case filing (Dkt. Nos. 3, 9) are DENIED as moot.

16 **IT IS SO ORDERED.**

17 Dated: March 24, 2020

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20 William H. Orrick
21 United States District Judge
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